

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

ARIEL NICOLE RUSSELL,

Debtor(s).

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Bk. No. **15-00643-MH3-13**  
Chapter 13  
Judge Marian F. Harrison

<b>THE DEADLINE FOR FILING A TIMELY RESPONSE IS:</b> October 31, 2019 <b>IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE:</b> November 20, 2019 at 8:30 a.m. in Courtroom 1, 2 <sup>nd</sup> Floor Customs House, 701 Broadway, Nashville, Tennessee 37203
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TRUSTEE'S REQUEST FOR HEARING ON DEBTOR'S  
APPLICATION TO UTILIZE INSURANCE PROCEEDS TO MODIFY PLAN

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, respectfully requests this Court set for hearing the application filed by the debtor seeking to modify the plan to utilize insurance proceeds resulting from the total destruction of the debtor's 2016 Hyundai Sonata.

The Hyundai Sonata is financed by Insolve, a secured creditor in the case. The terms of the debtor's plan require the Trustee to treat this as a "continuing" debt with monthly payments of \$398.49.

The debtor has indicated that insurance proceeds totaling \$8,856.43 will be forwarded to the Trustee. The debtor asserts there is a balance exceeding \$10,700 on the Hyundai Sonata.

Because the debtor is a "continuing debt", the Trustee is uncertain as to the amount of the balance asserted by Insolve Bank.

The debt to Insolve Bank is nondischargeable in that it is treated as a long-term debt under 11 U.S.C. § 1322(b)(5). The debtor's application is silent as to what the Trustee is supposed to do with the amount of the debt to Insolve Bank that has not been satisfied by insurance proceeds.

Without this information, the Trustee is incapable of determining whether the modification is feasible or proposed in good faith.

Respectfully submitted,

/s/ Henry E. Hildebrand, III

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Henry E. Hildebrand, III  
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that on or before the 29<sup>th</sup> day of October, 2019, a true and correct copy of the foregoing has been served in the following manner:

***Email by Electronic Case Noticing to:***

U. S. Trustee  
Flexer Law, Counsel for Debtor

***By U. S. Postal Service, postage prepaid to:***

Ariel N. Russell, 106 Brokeridge Drive, LaVergne, TN 37086  
Insolve Auto Funding, P. O. Box 64090, Tucson, AZ 85728-4090  
Angela Turpening, Capital Recovery Group, 1790 East River Road, Suite 101, Tucson, AZ 85718

/s/ Henry E. Hildebrand, III

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Henry E. Hildebrand, III  
Chapter 13 Trustee